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HEWLETT PACKARD COMPANY		
P O BOX 272400, 3404 E. HARMONY ROAD		
INTELLECTUAL PROPERTY ADMINISTRATION		
FORT COLLINS, CO 80527-2400		

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NGUYEN, DUSTIN	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/765,067
Filing Date: January 18, 2001
Appellant(s): BREBNER, GAVIN

Gavin Brebner
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/28/2006 appealing from the Office action mailed 05/26/2005.

(1) Real Party in Interest

Art Unit: 2154

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,578,142	Anderson et al.	06-2003
6,102,969	Christianson et al.	08-2000
6,598,169	Warwick et al.	07-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on 05/26/2005.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-15, 17-21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. [US Patent No 6,578,142], in view of Christianson et al. [US Patent No 6,102,969].

Art Unit: 2154

3. As per claim 1, Anderson discloses the invention substantially as claimed including process for assisting a transaction between an user and at least one remote server, the or each remote server being prepared to process at least one predetermined command, said process comprising:

analyzing said abstract request [col 1, lines 19-27] and mapping it to a corresponding one of said remote server [i.e. access a predetermined web site] [col 3, lines 32-34] and to one of said predetermined command [i.e. short cuts of bookmarks] [col 9, lines 3-9; and col 10, lines 60-63];

constructing an aggregating request based on said mapped command, enriched with data extracted from a local profile [col 5, lines 14-21];

transmitting said aggregated request to said corresponding server [col 5, lines 26-38];

receiving the answer from said corresponding server and displaying the answer to the user for completing the transaction [col 5, lines 25-27].

Anderson does not specifically disclose

receiving an abstract request formulated at a client computer and containing incomplete information identifying a potential transaction;

Christianson discloses

receiving an abstract request formulated at a client computer [col 3, lines 8-11; and col 4, lines 42-44] and containing incomplete information identifying a potential transaction [col 2, lines 58-61; and col 3, lines 12-17].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson and Christianson because Christianson's teaching would provide a flexible method to retrieve information from the source in an efficient manner.

4. As per claim 2, Anderson discloses contains a query string containing both information extracted from the abstract request, and data extracted from said profile [col 5, lines 11-37]. Anderson does not specifically disclose aggregate request conforms to the Hypertext Transfer Protocol (HTTP). Christianson discloses aggregate request conforms to the Hypertext Transfer Protocol (HTTP) [col 11, lines 1-14; and col 17, lines 61-col 18, lines 5]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson and Christianson because the teaching of Christianson would allow to provide a standard so that information can be transmitted or displayed properly to maintain its integrity.

5. As per claim 3, Anderson discloses profile data that are representative of platform configuration [i.e. system profile] [col 5, lines 14-17], and are extracted from information available at the Basic Input Output System (BIOS) level [col 6, lines 45-48].

6. As per claim 4, Anderson discloses profile data are collected by means of interrogation of standardized systems management interfaces present in the client computer [col 9, lines 39-42].

7. As per claim 6, Anderson discloses local profile contains data personal to a particular user [i.e. user preference] [col 1, lines 23-27].

8. As per claim 7, Anderson does not specifically disclose local agent receives the response from said corresponding server under the form of a Hypertext Markup Language (HTML) page, and pushes it to a web browser for allowing the completion of the transaction between the user and the server. Christianson discloses local agent [col 4, lines 27-33] receives the response from said corresponding server under the form of a Hypertext Markup Language (HTML) page, and pushes it to a web browser for allowing the completion of the transaction between the user and the server [col 6, lines 16-43]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson and Christianson because Christianson's teaching would provide an interface that is portable to be used in any computer system.

9. As per claim 8, Christianson discloses regularly downloading a list of servers to which the abstract requests can be mapped thereby permitting modification of the offers that can be made to the user [col 7, lines 35-58; and col 13, lines 14-22].

10. As per claim 9, Christianson discloses the abstract request is formulated in a natural language and a natural language analyzer is employed to process the request [col 16, lines 36- col 17, lines 32].

11. As per claim 10, it is rejected for similar reasons as stated above in claim 1. Furthermore, Anderson discloses detecting a condition of insufficient resources [col 12, lines 40-46].

12. As per claim 11, it is rejected for similar reasons as stated above in claim 1.

13. As per claim 12, it is rejected for similar reasons as stated above in claim 7.

14. As per claim 13, Anderson discloses the local agent is preloaded and arranged to execute when the computer is booted [col 1, lines 39-48].

15. As per claim 14, it is program product claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

16. As per claim 15, it is program product claimed of claim 7, it is rejected for similar reason as stated above in claim 7.

17. As per claim 17, it is rejected for similar reasons as stated above in claims 1, 7, and 8. Furthermore, Christianson discloses a list server for providing a list of services and one or more rules applicable to said services [i.e. wrappers] [col 7, lines 45-55].

18. As per claim 18, it is rejected for similar reasons as stated above in claims 1 and 3. Furthermore, Anderson discloses information regarding the local computer's hardware and/or software configuration [i.e. system profile] [col 5, lines 15-17].

Art Unit: 2154

19. As per claims 19-21, they are rejected for similar reasons as stated above in claims 2-4.

20. As per claims 23, 24, they are rejected for similar reasons as stated above in claims 8 and 9.

21. As per claim 25, it is rejected for similar reasons as stated above in claims 10.

22. Claims 5, 16 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. [US Patent No 6,578,142], in view of Christianson et al. [US Patent No 6,102,969], and further in view of Warwick et al. [US Patent No 6,598,169].

23. As per claim 5, Anderson and Christianson do not specifically disclose profile parameters are collected by means of an interrogation via the Distributed Management Interface (DMI) or Window Management Interface (WMI). Warwick discloses profile parameters are collected by means of an interrogation via the Distributed Management Interface (DMI) or Window Management Interface (WMI) [Abstract]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson, Christianson and Warwick because Warwick's teaching would provide an interface for mapping of data from diverse data sources in a common, normalized and logically organized way, and enables correlation and associations between the management data regardless of type, content, or source of origin [Warwick, col 2, lines 15-23].

24. As per claim 16, it is rejected for similar reasons as stated above in claims 1 and 5.

25. As per claim 22, it is rejected for similar reasons as stated above in claim 5.

(10) Response to Argument

1. Applicant's arguments, see Issue 1, filed 08/28/2006, with respect to 35 USC § 112 rejection have been fully considered and are persuasive. The 35 USC § 112 rejection of claims 2, 11-15 and 17 has been withdrawn.

2. As per remarks, see Issue 2, Applicants' argued that (1) Christianson fails to teach receiving an abstract request formulated at a client computer and containing incomplete information identifying a potential transaction.

3. As to point (1), Applicants' invention relates to a process for facilitating a transaction between a user and a remote server [Specification, page 1]. The object of Applicants' invention that is based on a local agent for handling communications with at least one server that is prepared to accept at least one associated command. The local agent includes means for receiving an abstract request that is entered by a user, that is to say a request that is assumed to contain only partial information that is needed regarding the particular service that is desired. The local agent has access to a list of servers and includes means for analysing that abstract request and for mapping it to one corresponding server, and one particular command for

Art Unit: 2154

accessing that server. The local agent then constructs an aggregate request transaction based on that particular command, and which further includes the additional information that the agent extracts from a local profile. This results in an aggregate request that is transmitted through the network to the identified mapped server. The server can then process the aggregate request and provides a comprehensive response which, when received by the local agent, is forwarded to the user for the purpose of completing the transaction. A request from the user in the context of his or her unique environment has thus been translated to the fully detailed request required by the manufacturer who then constructs the appropriate user-tailored response [Specification, page 3, second paragraph].

As mentioned in the previous Office Action, Anderson discloses all the limitation of claim 1 except the limitation of “receiving an abstract request formulated at a client computer and containing incomplete information identifying a potential transaction”. This limitation is disclosed in Christianson reference. Christianson discloses a system for providing assistance to a user in accessing network attached information sources [Figure 1; Abstract; and col 2, lines 44-53]. Christianson includes a netbot with an aggregation engine for receiving the user query, requests the query router to provide a list of the N information sources most relevant to the given query, then it retrieves the N wrappers for the N information sources from the wrapper database, guided by the N wrappers, the aggregation engine translates the query into the request formats accepted by each of the N information sources and transfer the N requests to the I/O manager for network transmission [30, 38, Figure 3; and col 8, lines 25-46].

In regard to the claimed limitation, Christianson discloses a netbot includes an aggregation engine for receiving the user query, and the netbot that can be partly or wholly

Art Unit: 2154

resided on user computer [i.e. receiving an abstract request formulated at a client computer] [31, 34, Figure 3; col 4, lines 39-33; col 8, lines 26-29; and col 12, lines 1-8]. Christianson further discloses retrieving N wrappers which are descriptions of the information source and its requirements, and the retrieved wrapper are used by aggregation engine to format the query into forms recognized by each information source, or guided the aggregation engine to formatting the query according to the description in a manner suitable for each information source or translating the query into the request formats accepted by each of the N information sources [i.e. the abstract request containing incomplete information identifying a potential transaction] [col 3, lines 13-16; col 7, lines 46-52; and col 8, lines 30-34].

4. As per remarks, see Issue 2, Applicants' argued that (2) Anderson fails teach "detecting a condition of insufficient resources" as recited in claim 10.

5. As to point (2), as mentioned in previous Office Action, claim 10 rejected for similar reasons as in claim 1. Furthermore, Anderson discloses a method and apparatus for automatically installing and configuring software on a computer [Abstract; and col 1, lines 8-11]. Anderson discloses a process step of collecting or gathering the user computer system's hardware and/or software to develop a user profile as well as profile of the user's system [col 5, lines 14-19]. Based on the user and/or system profile, the content is sent to the user computer, the content includes a summary of information such as the availability of patches and fixes for existing computer software, new versions of existing computer software, brand new computer software, information regarding availability of hardware [col 5, lines 20-38], and notify users of

Art Unit: 2154

relevant software updates and upgrades [i.e. detecting a condition of insufficient resources] [col 3, lines 26-30].

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Anderson suggests the profile manager for obtaining the system profiles of the computer system based on system hardware and software installed at the computer system. Anderson does not specifically disclose the profile parameters are collected by means of an interrogation via the DMI or WMI as recited in claim 5. Warwick discloses WMI is one implementation of the Common Information Model schema for managing systems, networks, applications, databases and devices [Figure 2; Abstract; and col 2, lines 14-29]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Anderson, Christianson and Warwick because Warwick's teaching of WMI would obviate the need for developers to create private interfaces to kernel mode drivers to access that information, and the manufacturers need not write any device drivers [Warwick, col 3, lines 1-14].

(11) Related Proceeding(s) Appendix

Art Unit: 2154

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Note: The Information Disclosure Statement (IDS), filed on 07/11/2007, had been ~~considered~~ **NATHAN FLYNN**
and entered on 09/11/2007. **SUPERVISORY PATENT EXAMINER**

Respectfully submitted,

Dustin Nguyen

Conferees: